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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,713	09/26/2003	David J. Sugden	864.046	1142
7590 07/27/2005 Timothy E. Newholm BOYLE, FREDRICKSON, NEWHOLM, STEIN & GRATZ, S.C. 250 Plaza , Suite 1030 250 East Wisconsin Avenue Milwaukee, WI 53202			EXAMINER KOVACS, ARPAD F	
			ART UNIT 3671	PAPER NUMBER
DATE MAILED: 07/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,713

Applicant(s)

SUGDEN ET AL

Examiner

Árpád Fábián Kovács

Art Unit

3671

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-15, 20-28, 31 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 17, 29, 30, 33 and 34 is/are rejected.
- 7) ☒ Claim(s) 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other. _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16-17, 29, 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Clemson (2660018, cited by Applicant).

Prior art discloses:

CI 16 & 29:

A tow arm having a front link (12) & a rear link (34) which rear end at least indirectly coupled to a shaft (30) bound by a plurality of rollers (see fig 3, ref 28);

A latch assembly includes a pin (66);

cl. 29:

a motorized drive assembly (gears 58) driving a cutter assembly (20) housed by cutter deck (such as ref 10 or side frames as shown in fig 2), wheels (17);

cl. 17:

pin biased by a spring (as shown in fig 7).

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It is noted that the latch pin is capable of achieving the functional recitation of the claim(s), since it can be removed either completely or adjusted along or in the holes ref 64, see fig 5, 8;

cl. 33-34:

the pin is transverse to the tow arm (see fig 3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clemson (2660018), in view of Harris (4899828).

Clemson discloses the claimed device except for cotter pin / cross pin.

Harris discloses that it is known in the art to provide a cotter/cross pin (17) which extends through an opening in a shaft (13).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the latch pin of Clemson with the cotter pin of Harris, in order to better secure the latch.

Allowable Subject Matter

5. Claims 18-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicants arguments filed 5/31/2005 & 3/28/2005 have been fully considered but they are not persuasive.

In view of the amendments made to elected claims 16-19 and now considered and amended claims 29-30, especially independent claims 16 & 29, a new rejection is made as shown in greater detail above.

With respect to further arguments in re the Restriction Requirement, that Groups I & III and II and III were not shown sufficient distinctness; as the claims of Group III & V now have been amended Group I differs in that it has "a spring" which is "configured to bias the second link downwardly relative to the first link ...," (could be used by a device for turf maintenance and/or leveling ground), while Group II differs in that describes a quick connect assembly between a lawnmower frame and a tow arm (could be used by a ride on lawnmower having quick connect capability, such as connecting rollers and/or other maintenance working device).

Election/Restrictions

7. This application contains claims 1-15, 20-28, 31-32 drawn to an invention nonelected with traverse in Paper dated 5/31/2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Árpád Fábián Kovács whose telephone number is 571 272 6990. The examiner can normally be reached on Mo-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272 6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Árpád Fábián Kovács
Primary Examiner
Art Unit 3671

ÁFK